

**REMARKS/ARGUMENTS**

Claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43, and 48 are pending in the present application. Reconsideration of the claims is respectfully requested.

**I. Application to be Considered Special**

This application has received a fourth, non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to terminate prosecution.

**II. 35 U.S.C. § 103, Alleged Obviousness - Claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43, and 48**

The Office rejects claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Hoffberg (U.S. Patent No. 6,850,252 B1), Palmer (U.S. Patent No. 5,195,135), and Kirsch et al. (U.S. Patent No. 6,772,196 B1). This rejection is respectfully traversed.

As to claims 1, 17, and 33, the Office states:

Regarding claims 1, 17 & 33, Hoffberg discloses receiving requested content, retrieving a user profile for the requesting user, wherein the user profile includes parameters/factors for identifying objectionable content (col. 222, line 49 – col. 223, line 12), analyzing the requested content using the parameters/factors stored in the user profile of the requesting user (determining a correlation) to identify an amount/score of objectionable content based on the parameters for each of the plurality of categories/categorizations of objectionable content (col. 222, line 49 – col. 223, line 12) and determining a score/composite score for the requested content for each of the categories/categorizations of objectionable content based on the amount/weight and category/correlation factor categorization contained in the requested content (col. 222, line 49 – line 223, line 12). Hoffberg lacks a plurality of thresholds including a threshold for each of a plurality of categories of objectionable content and lacks storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. However, Palmer teaches that multivariate censorship (simultaneous censorship of several different subjects, with each subject censored to a different threshold) is useful because it takes into considerations varied tastes (for instance simultaneous censorship of nudity/sex to a level suitable to children and violence/mayhem to a level suitable for sophisticated adults) (col. 4, lines 25-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to take into consideration a plurality of thresholds for each of a plurality of categories of objectionable content. One of ordinary skill in the art would have been motivated to

perform such a modification to take into considerations varied tastes, as taught by Palmer (col. 4, lines 25-32). Further, Kirsch teaches an email filtering system where a signature is generated for a message and compared to signature record sets retrieved from a client signature database, determining a score for each of the various subsets. If it is unwanted, it can be sent to a "suspected UEM" inbound email queue to allow the user to later review (col. 7, lines 40-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to store the requested content in an objectionable content data structure/"suspected UEM" queue if a score for the requested content is above at least one threshold for at least one category of objectionable content. One of ordinary skill in the art would have been motivated to perform such a modification to allow the user to later review the content, as taught by Kirsch (col. 7, lines 1-16 & 40-43).

Office Action dated February 16, 2006, pages 3-4.

Claim 1, which is representative of the other rejected independent claims 17 and 29 with respect to similarly recited subject matter, reads as follows:

1. A method of identifying objectionable content, comprising:
  - receiving requested content for a requesting user;
  - retrieving a user profile for the requesting user, wherein the user profile includes parameters for identifying objectionable content and a plurality of thresholds including a threshold for each of a plurality of categories of objectionable content;
  - analyzing the requested content using the parameters stored in the user profile of the requesting user to identify an amount of objectionable content based on the parameters for each of the plurality of categories of objectionable content;
  - determining a score for the requested content for each of the plurality of categories of objectionable content based on the amount and category of objectionable content contained in the requested content; and
  - storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. (emphasis added)

Hoffberg, Palmer, and Kirsch, taken alone or in combination, fail to teach or suggest storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content.

Hoffberg teaches an intelligent electronic appliance. A media metadata processing system analyzes media content to understand the content and generate content-descriptive metadata. The Office acknowledges that Hoffberg does not teach storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold.

Palmer teaches automatic multivariate censorship of audio-video programming by user selectable obscuration. Using a viewer-selected censorship mode and multivariate censorship classification data encoded in the audio-video programming signal, a user's receiver is able to automatically censor audio-video programming. The Office does not rely on Palmer to teach storing the requested content in an

objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold.

However, the Office alleges that Kirsch teaches this feature at column 7, lines 40-43, which reads as follows:

Conventional email-client applications can then further filter these UEM marked messages directly into a trash queue or specifically segregated into some "suspected UEM" inbound email queue that a user can later summarily review and clean as appropriate.

Kirsch is directed to electronic mail filtering. Kirsch's system filters-out undesirable email messages sent to a user email address. The system includes a data store providing updateable storage of signature records that correspond to a subset of undesirable email messages that may be sent to the predetermined email address. In the section cited by the Office, Kirsch describes filtering undesirable email (UEM) either to a trash folder or other segregated email queue. However, Kirsch describes undesirable email as "spam" email or "spamming," which is the typically unsolicited mass emailings to open or unsubscribed email addresses. (See Kirsch, column 1, lines 34-55). Thus, Kirsch teaches a method of storing unsolicited emails.

In contradistinction, the present invention in claim 1 stores the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260; 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Since none of the references teach or suggest this feature the Office has failed to establish a *prima facie* case of obviousness, because the Office does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

The applied references do not teach or suggest each and every claim limitation; therefore, Hoffberg, Palmer, and Kirsch, taken alone or in combination, do not render claim 1 obvious. Independent claims 17 and 33 recite subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 3-6, 10, 11, 16, 19-22, 26, 27, 32, 35-38, 42, 43, and 48 depend from claims 1, 17, and 33, the same distinctions between Hoffberg, Palmer, and Kirsch and the invention recited in claims 1, 17, and 33 apply for these claims. Additionally, claims 3-6, 10, 11, 16, 19-22, 26, 27, 32, 35-38, 42, 43, and 48 recite other additional combinations of features not suggested by the references.

Furthermore, no suggestion is present in any of the references to modify the references to include such features. That is, there is no teaching or suggestion in Hoffberg, Palmer, or Kirsch that a problem exists for which storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content, is a solution. To the contrary, Hoffberg appears to teach analyzing content based on a user's likes and

dislikes and Palmer appears to teach automatically censor audio-video programming, both of which do not include storing the requested content in an objectionable content data structure. Kirsch teaches storing unsolicited emails.

One of ordinary skill in the art, being presented only with Hoffberg, Palmer, and Kirsch, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Hoffberg, Palmer, and Kirsch to arrive at Applicants' claimed invention, as recited in claim 1. To the contrary, even if one were somehow motivated to combine Hoffberg, Palmer, and Kirsch, and it were somehow possible to combine the systems, the result would not be the invention, as recited in claim 1. The resulting system would still fail to store requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content.

In view of the above, Applicants respectfully submit that the Hoffberg, Palmer, and Kirsch, taken alone or in combination, fail to teach or suggest the features of claims 1, 17, and 33. At least by virtue of their dependency on claims 1, 17, and 33, the features of dependent claims 3-6, 10, 11, 16, 19-22, 26, 27, 32, 35-38, 42, 43, and 48 are not taught or suggested by Hoffberg, Palmer, and Kirsch, whether taken individually or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43, and 48 under 35 U.S.C. § 103.

### **III. 35 U.S.C. § 103, Alleged Obviousness - Claims 4, 20, and 36**

The Office rejects claims 4, 20, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Hoffberg (U.S. Patent No. 6,850,252 B1), Palmer (U.S. Patent No. 5,195,135), and Kirsch et al. (U.S. Patent No. 6,772,196 B1), as applied to claim 1 above, in further view of Jelbert (UK Patent Application No. GB 2 347 053 A). This rejection is respectfully traversed.

Claims 4, 20, and 36 are dependent on independent claims 1, 17, and 33 and, thus, these claims distinguish over Hoffberg, Palmer, and Kirsch for at least the reasons noted above with regards to claims 1, 17, and 33. Moreover, Jelbert do not provide for the deficiencies of Hoffberg, Palmer, and Kirsch and, thus, any alleged combination of Hoffberg, Palmer, Kirsch, and Jelbert would not be sufficient to reject independent claims 1, 17, and 33 or claims 4, 20, and 36 by virtue of their dependency.

In view of the above, Hoffberg, Palmer, Kirsch, and Jelbert, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 17, and 33, from which claims 4, 20, and 36 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4, 20, and 36 under 35 U.S.C. § 103.

**IV. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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